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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,905	07/31/2001	Zazu Ciuca	077056-0348	2325

7590

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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/918,905

Applicant(s)
Ciuca

Examiner
Blair M. Johnson

Art Unit
3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 2, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 8-13, and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 14-20, and 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 102

1. Claims 14,19 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kuhar '100.

See tensioning element in the form of slots 56, column 4, lines 51-54. The embodiment of Fig. 3 discloses plural means for actuating. On the other hand, "means for actuating" defines no specific structure and reads on any portion of the '100 device.

Claim Rejections - 35 USC § 103

2. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100. It would have been obvious to provide a tensioner for each cord, such being an obvious duplication of equivalent parts. Providing another tensioner would increase the tension control.

3. Claims 1,6,7,15-17 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Carouso.

'100 discloses everything except the one-way tensioning system. '100 does provide a tensioning system in the form of slots 56, column 4, lines 51-54. Carouso discloses a tensioning member to prevent "creep" of the cords 17 back onto the spools

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19,20. The tensioning pulley 25 is a one-way tensioner, as disclosed from page 1, line 99 to page 2, line 13. In view of this teaching by Carouso, it would have been obvious to modify Kuhar whereby his tensioning system is replaced with the more efficient tensioner of Carouso. Other motivation to combine these references as proposed would simply lie in the fact that the Carouso tensioner is an obvious expedient of the tensioner in Kuhar.

Regarding claim 6, it would have been obvious to provide a tensioner for each cord, such being an obvious duplication of equivalent parts. Providing another tensioner would increase the tension control.

Regarding claims 15-17, see means for supporting, 25,26,27,28, etc., means for engaging 28 and means for tensioning 25. See also first aperture in spool 25, which accommodates pin 26, and second aperture 33.

Allowable Subject Matter

4. Claims 2-5,8-13 and 21-23 are allowed.

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Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive.

Regarding the 102 rejection under Kuhar, while the claims do recite "one direction" and '100 discloses a tensioner which tensions in "both directions", the scope of the latter encompasses the former. In other words, "one direction" is met by the '100 device which tensions in two directions since the "one" direction is one of the two directions of '100.

Applicant questions the appropriateness of combining '100 and Carouso. It is true that '100 provides a balanced system. However, he also provides a tensioner, which clearly indicates that the system is not truly balanced. Carouso discloses a tensioning system to prevent unwanted retraction of the cable elements. While Carouso is not found in the shade or blind art, it is appropriate to go to an art where the particular problem faced by Applicant is addressed, as quoted by Applicant on page 8. Clearly, Carouso addresses the "creep" problem and by does so by using tensioners as recited.

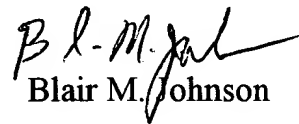
Regarding the charge of using hindsight, of course a certain amount of hindsight is required to even begin to search for the invention. The test rests in whether or not the prior art has been properly combined and motivation provided to do so. The Examiner sincerely feels that such a standard has been met.

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Blair M. Johnson

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March 14, 2003
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